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Amendments to the Drawings:

The attached new drawing sheet includes new Fig. 6, which shows an example computer readable medium. No new matter has been added. Withdrawal of the objection to the drawings is respectfully requested, in view of new Fig. 6.

REMARKS

Claims 1–50 are pending, with claims 1 and 26 being independent. Claims 26–50 have

been amended. Claims 51–75 have been added, with claim 51 being independent.

Reconsideration and allowance of the above-referenced application are respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 26–50 are rejected under 35 U.S.C. § 101 because the claimed invention is

allegedly directed to non-statutory subject matter. This rejection has been obviated by the

present amendment.

Without conceding the propriety of the rejection, claims 26–50 have been amended to

include, "computer readable medium storing a computer program", as suggested by the

Examiner. These amendments have been made to expedite prosecution. Thus, withdrawal of the

rejection under 35 U.S.C. § 101 is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1–50 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S.

Patent Publication No. 2004/0118310 issued to Hawksworth (hereinafter "Hawksworth"), which

describes digital prepress color mixing tools. This contention is respectfully traversed.

Claim 1 is directed to a computer-implemented method that includes receiving data

representing a first color representing a first ink and a second color representing a second ink and

one or more color parameters for each of the first and second colors. The method defines a first

mixed color group including a first plurality of mixed color swatches each representing a mixture

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of an amount of the first color and an amount of the second color, the amounts of the first color

and the second color for each of the mixed color swatches being defined according to a function

of the color parameters of the first and second colors.

Although both the present application and Hawksworth relate to the field of digital

artwork and describe using process and spot inks, Hawksworth is directed to creating "an

efficient prepress tool for applying accurate, high quality color mixtures to digital artwork within

a native artwork production environment." *See Hawksworth* at par. 10. As described in

Hawksworth's Summary of the Invention:

> According to the method and system of the present invention, after
> digital artwork has been approved by a client, the invention is applied in a
> native artwork production environment, eliminating the need for a conversion
> of the digital artwork into a different format. After the method of the present
> invention has been carried out, the digital artwork may be submitted for print
> processing . . . . No digital prepress color mixture processing outside the
> native artwork production environment is required.

See Hawksworth at par. 14. In addition, Hawksworth discloses:

> A "swatch generator" dialog box or window designed for generating a
> preferred list of colors. Using the swatch generator window, a user of the
> present invention may load from memory or from a file a stored list of colors
> for use as the preferred list of colors in the native artwork production
> environment.

See Hawksworth at par. 26. Thus, specifically, Hawksworth's swatch generator generates a list

of colors from a loaded digital artwork file, creates color mixtures from the list of colors, and

applies the color mixtures to one or more objects within the digital artwork. *See Hawksworth* at

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pars. 26, 38, 45 and Figs. 2–3. Hawksworth defines a list of colors loaded from a piece of digital

artwork as a "swatch list" and teaches selecting colors from the swatch list. *See Hawksworth* at

par. 46.

In contrast, claim 1 recites, "defining a first <u>mixed color group</u> including a first <u>plurality</u>

<u>of mixed color swatches</u> each representing a mixture of an amount of the first color and an

amount of the second color, the amounts of the first color and the second color for each of the

mixed color swatches being defined according to a <u>function of the color parameters</u> of the first

and second colors." "Mixed color group" is defined as a <u>group</u> of <u>mixed color swatches</u>; the

<u>mixed color group</u> is itself a container object that <u>aggregates a collection of mixed color</u>

<u>swatches</u>. See Detailed Description, page 4, lines 6–8 and 10–11. Hawksworth does not

disclose a first mixed color group, instead, Hawksworth discloses using a swatch generator to

create merely a <u>list of mixed color swatches</u> loaded from a digital artwork file. *See Hawksworth*

at pars. 26, 38 and 45. A mixed color group is more than Hawksworth's mere list of mixed color

swatches generated by a swatch generator, a <u>mixed color group</u> is a container object aggregating

a <u>plurality of mixed color swatches</u> defined according to a function of the color parameters of the

first and second colors. Hawksworth only discloses a list of mixed color swatches, not a

plurality of mixed color swatches contained within a mixed color group.

Furthermore, Hawksworth teaches how to generate a list of mixed color swatches and

how to select a color from the swatch list, but Hawksworth does not teach or suggest defining a

mixed color group which includes a plurality of mixed color swatches where each of the mixed

color swatches is defined according to a function of the color parameters. Thus, Hawksworth

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fails to teach or suggest each and every element of claim 1, and therefore, independent claim 1 should be allowable over Hawksworth for at least this reason.

Independent claim 26 is directed to a computer readable medium storing a computer program for creating mixed color groups, the computer program comprising instructions to cause a computer system to receive data representing a first color representing a first ink and a second color representing a second ink and one or more color parameters for each of the first and second colors. The computer readable medium defines a first mixed color group including a first plurality of mixed color swatches each representing a mixture of an amount of the first color and an amount of the second color, the amounts of the first color and the second color for each of the mixed color swatches being defined according to a function of the color parameters of the first and second colors. Therefore, independent claim 26 should be allowable for at least the same reasons set forth above with respect to claim 1.

Independent claim 51 is directed to a system comprising a processor and a computer readable medium storing a computer program for creating mixed color groups. The computer program comprising instructions to cause the processor to perform operations comprising receiving data representing a first color representing a first ink and a second color representing a second ink and one or more color parameters for each of the first and second colors; and defining a first mixed color group including a first plurality of mixed color swatches each representing a mixture of an amount of the first color and an amount of the second color, the amounts of the first color and the second color for each of the mixed color swatches being defined according to

a function of the color parameters of the first and second colors. Therefore, independent claim 51 should be allowable for at least the same reasons set forth above with respect to claim 1.

Claims 2–25, 27–50 and 52–75 depend from claim 1, 26 or 51 and should be allowable for at least the same reasons as their respective independent claims, and based on the additional recitations they contain.

For example, claims 6, 31 and 56 recite, "wherein: the color parameters include an initial amount, an increment value, and a repeat value for each of the first color and the second color." The only evidence provided in support of the rejections of this subject matter is a bare citation to Hawksworth FIGs. 1 and 4 and paragraphs 49–50, none of which describe an increment value or repeat value used in generating the mixed color group as claimed. The citation to Hawksworth, "Fig. 1, percentage," for purportedly anticipating increment value is, with all due respect, incorrect. The percentage cited in Hawksworth's Fig. 1 is the assigned color mixture percentage value 190, not an incremental value. See Hawksworth at par. 37 and FIG. 1. In addition, Hawksworth's method describes incrementing in step 440, as in incrementing a count of the unsupported colors present in the loaded digital artwork. See Hawksworth at par. 49 and FIG. 4. This is completely different than mixed color swatches being defined according to a function of the color parameters of the first and second colors, wherein the color parameters include an initial amount, an increment value, and a repeat value for each of the first color and the second color. The increment value represents an incremental percentage of the corresponding printing color that will be added to define each subsequent color swatch in the mixed color group. See

e.g., Detailed Description, page 5, lines 17–18 and Fig. 2. Thus, Hawksworth does not teach or suggest such a increment value as claimed.

Moreover, the Office's citation to Hawksworth, "Fig. 4 and pars. 49–50," for purportedly anticipating Applicant's repeat value is, with all due respect, incorrect. Hawksworth describes building a color list when no objects in the loaded digital artwork are selected and "when the selected color is not the last color in the list of colors, then the next color in the list of colors is selected and the method of FIG. 4 repeats." *See Hawksworth* at par. 49 and FIG. 4. This is completely different than mixed color swatches being defined according to a function of the color parameters of the first and second colors, wherein the color parameters include an initial amount, an increment value, and a repeat value for each of the first color and the second color. The repeat value represents the number of times the incremental percentage will be added to create different color swatches in the mixed color group. See e.g., Detailed Description, page 5, lines 19–20 and Fig. 2. In addition, the repeat value for each color determines how many mixed color swatches are defined. See e.g., Detailed Description, page 6, lines 7–8. Thus, Hawksworth does not teach or suggest such a repeat value as claimed. Therefore, claim 6, claim 31 and claim 56 should be allowable for at least these additional reasons.

Furthermore, claims 7 and 57 recite, "defining a first mixed color group includes calculating the amount of each of the first color and the second color for each of the plurality of mixed color swatches based on the initial amounts, the increment values and the repeat values." Closely related claim 32 recites, "the instructions operable to cause the computer program to define a first mixed color group includes instructions operable to cause the computer program to

calculate the amount of each of the first color and the second color for each of the plurality of

mixed color swatches based on the initial amounts, the increment values and the repeat values."

The only evidence provided in support of the rejections of this subject matter is a bare citation to

Hawksworth FIG. 2 and paragraphs 39–40, none of which describe calculating the amount of

each of the first color and the second color for each of the plurality of mixed color swatches

based on the initial amounts, the increment values and the repeat values (collectively, the color

parameters) as claimed.

The citation to Hawksworth, "Fig. 2 and pars. 39–40," for purportedly anticipating

calculating each of the first color and the second color for each of the plurality of mixed color

swatches based on the color parameters, makes no reference to calculation. Hawksworth

describes using a software program, in connection with a color mixing tool, to apply color

mixtures to one or more objects within a piece of loaded digital artwork. *See Hawksworth* at par.

38–39 and Figs. 1–2. In addition, Hawksworth's method describes generating pure process

global colors from dirty colors included in the loaded artwork. *See Hawksworth* at par. 40 and

Figs. 2–3. These are completely different subjects than calculating amounts of the first color and

the second color for each of the plurality of mixed color swatches based on a function of the

color parameters including initial amounts, increment values and repeat values. As described,

for example, in the specification, the calculation as involves creating mixed color swatches in the

mixed color group based on the selected printing colors and the specified color parameters

according to a predetermined function. See e.g., Detailed Description, page 6, lines 19–24.

Furthermore subsequent mixed color swatches are created by calculating the increasing amount

of each printing color by the corresponding increment value, repeating this process for each printing color for the number of times indicated by the corresponding repeat value. See e.g., Detailed Description, page 6, lines 24–26. Thus, Hawksworth's method does not teach or suggest calculation as claimed and therefore, claim 7, claim 32 and claim 57 should be allowable for at least these additional reasons.

CONCLUSION

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the amendments and remarks herein, claims 1–75 should be in condition for allowance. A formal notice of allowance is respectfully requested.
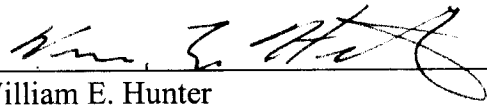
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Please apply the additional claims fees and any other charges or credits to deposit account

06-1050.

Respectfully submitted,

Date: Oct. 5, 2007

William E. Hunter
Reg. No. 47,671

Fish & Richardson P.C.
PTO Customer Number 021876
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

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